

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
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REGISTERED MAIL

**INVITATION TO PAY ADDITIONAL FEES
 AND, WHERE APPLICABLE, PROTEST FEE**
 (PCT Article 17(3)(a) and Rule 40.1 and 40.2(e))

Applicant's or agent's file reference 10139/12304	Date of mailing (day/month/year) 04/12/2008
International application No. PCT/US2008/072894	PAYMENT DUE within ONE MONTH from the above date of mailing
International filing date (day/month/year) 12/08/2008	
Applicant SYNTHES (U.S.A.)	

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated on an extra sheet:
- (ii) therefore considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated on an extra sheet:
- (iii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
 see extra sheet
- (iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby invited to pay, within the time limit indicated above, the amount indicated below:


EUR 1,700.00 x 1 = EUR 1,700
 Fee per additional invention number of additional inventions currency/total amount of additional fees

3. The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive, where applicable, subject to the payment of a protest fee.

Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of EUR 750.00 (currency/amount)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. ☒ Claim(s) Nos. see extra sheet have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

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Authorized officer
Vera Schertl

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-5

A bone plate system having a bone screw with a threaded spherically-shaped head (claim 1), for solving the problem of providing a bone plate system wherein the bone screw can be locked relative to the bone plate at a plurality of different angles.

2. claims: 6-19,25

(i) A bone plate system with a bone plate including a hole having a plurality of discrete columns of teeth or thread segments (claim 6) and (ii) a method of fabricating such a hole in a bone plate (claim 25), for solving the problem of providing a plate hole adapted to receive any of a (polyaxial) non-locking bone screw, a monoaxial locking bone screw and a polyaxial locking bone screw.

This Authority considers that there are 2 groups of potential inventions covered by the claims as indicated above.

The only common technical feature linking together both groups of potential inventions is the presence of a bone plate system, which is, obviously, a well-known feature and cannot be considered to be special in the sense of Rule 13.2 PCT. The two groups of potential inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, since they are not linked by common or corresponding special technical features (Rule 13.2 PCT). Thus, the present application lacks unity "a priori", that is, before considering the claims in relation with any prior art (see Guidelines PCT/GL/ISPE/1, 10.03).

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206

Continuation of Box 4.

Claim(s) not searched:
20-24

Pursuant to Rule 39.1(iv) PCT, the subject-matter of claims 20-24 has not been searched, since it is directed to a method for treatment of the human body by surgery (see, in particular, the step of "positioning the plate against the bone" defined in claim 20).

**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No.
PCT/US2008/072894

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. This communication is not the international search report which will be established according to Article 18 and Rule 43. see "Invitation to pay additional fees".
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 767 160 A (EBI LP [US]) 28 March 2007 (2007-03-28) paragraphs [0018], [0019]; figure 1	1-5
X	EP 1 604 619 A (EBI LP [US]) 14 December 2005 (2005-12-14) figure 9	1-5
X	US 2004/073218 A1 (DAHNERS LAURENCE E [US]) 15 April 2004 (2004-04-15) figure 3	1-5
X	US 2006/004361 A1 (HAYECK GARRY [US] ET AL HAYECK GARRY [US] ET AL) 5 January 2006 (2006-01-05) figure 15	1-5
X	DE 203 17 651 U1 (AAP IMPLANTATE AG [DE]) 11 March 2004 (2004-03-11) figure 1	1-5

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another claim or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Patent Family Annex
Information on patent family members

International Application No
PCT/US2008/072894

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 1767160	A	28-03-2007	US 2007083207 A1	12-04-2007
EP 1604619	A	14-12-2005	US 2005277937 A1	15-12-2005
US 2004073218	A1	15-04-2004	NONE	
US 2006004361	A1	05-01-2006	AU 2005258088 A1	05-01-2006
			CA 2571562 A1	05-01-2006
			CN 101010042 A	01-08-2007
			EP 1773218 A2	18-04-2007
			JP 2008503326 T	07-02-2008
			KR 20070036136 A	02-04-2007
			WO 2006002188 A2	05-01-2006
DE 20317651	U1	11-03-2004	NONE	